

1 DANIELLE M. HOLT
(Nevada Bar No. 13152)
2 DE CASTROVERDE LAW GROUP
3 1149 S Maryland Pkwy
Las Vegas, NV 89104
4 Ph (702) 222-9999
Fax (702) 383-8741
5 danielle@decastroverdelaw.com

6 JESSICA L. BLOME
(Cal. Bar No. 314898, admitted pro hac vice)
7 GREENFIRE LAW, PC
8 2748 Adeline Street, Suite A
Berkeley, CA 94703
9 (510) 900-9502
jblome@greenfirelaw.com
10

11 Attorneys for Plaintiffs

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 CANA FOUNDATION, a non-profit
15 corporation, LAURA LEIGH, individually, and
WILD HORSE EDUCATION, a nonprofit
16 corporation,

17 *Plaintiffs,*

18 v.

19 UNITED STATES DEPARTMENT OF
20 INTERIOR, BUREAU OF LAND
MANAGEMENT, and JON RABY, Nevada
21 State Director of the Bureau of Land
Management,
22

23 *Defendants.*

CASE NO. 2:22-cv-01200-CDS-BNW

**DECLARATION OF MANDA
KALIMIAN ON BEHALF OF CANA
FOUNDATION IN SUPPORT OF
PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

Amended Complaint Filed:
September 2, 2022

1 I, Manda Kalimian, declare as follows:

2 1. The facts contained in this declaration are known personally to me and, if called as a
3 witness, I could and would testify competently thereto under oath.

4 2. I am a resident of New York.

5 3. I am the CEO and founder of the non-profit organization the CANA Foundation
6 (CANA), which has its principal place of business at 6150 Northern Boulevard, East Norwich,
7 N.Y., 11732. I have been authorized to make this declaration on behalf of CANA Foundation.

8 4. CANA Foundation is a non-profit corporation whose mission is conserve and restore
9 the North American landscape by creating sustainable environmental ecosystems through restoring
10 and preserving biodiversity and native species (also known as “rewilding”); in particular, CANA
11 Foundation’s focus is on the reintroduction and continuing survival of wild horses as a keystone
12 species within their ecosystems. CANA Foundation believes that reintroducing and sustaining wild
13 horses in their historic habitats can improve the overall health and vitality of North American
14 grasslands. CANA Foundation’s initiatives to achieve this mission foster community empowerment,
15 land conservation, and the sustainable management and preservation of America’s wild horse
16 populations.

17 5. In particular, the Blue Wing Complex is one of the wild horse herds that CANA
18 Foundation monitors and advocates for.

19 6. CANA Foundation also rescues and rehomes, including by reintroduction into
20 private wild spaces, wild horses in order to improve their quality of life and ensure that they can live
21 with dignity in protected habitats.

22 7. CANA Foundation actively monitors for any Herd Management Area Plans
23 (HMAPs) that are available for public comment in the United States and routinely submits
24 comments throughout the public commenting process.

25 8. I am aware that an HMAP was never prepared for the Blue Wing Complex or any of
26 its HMAs, as required by law.

27 9. Had an HMAP had been created for the Blue Wing Complex prior to the gather of so
28 many of the Complex’s wild burros, CANA Foundation would have submitted comments during the
appropriate scoping period. In these comments, CANA Foundation would have advocated for and

1 advanced rewilding as an alternative management strategy for wild horses and burros.

2 10. As a result of BLM's failure to prepare an HMAP and CANA Foundation's resulting
3 inability to provide comments on said HMAP, as well as BLM's refusal to entertain comments it
4 considered outside the scope of its NEPA review that would have been appropriate in the context of
5 an HMAP review, the CANA Foundation's primary organizational mission was thwarted.

6 11. Another major component of CANA Foundation's mission is the advancement of the
7 scientific study of wild horses through genetics and environmental DNA.

8 12. CANA Foundation has funded two groundbreaking environmental DNA (eDNA)
9 research papers from McMaster University. Specifically, eDNA extracted from soil samples has
10 suggested that mammoths and Yukon wild horses survived thousands of years longer than science
11 previously believed. CANA Foundation has also funded scientific research that suggests that the
12 wild horses of the United States ought to be considered native species (rather than non-native
13 species that were introduced by the Spanish conquistadors).

14 13. The gathering and removal of wild horses in the Blue Wing Complex due to the
15 challenged actions have also adversely affected the scientific interests of CANA Foundation and its
16 ability to use scientific evidence to advance its primary mission. For example, CANA Foundation's
17 ability to support the scientific study of the Blue Wing Complex herds' range, the heat dome over
18 the range, and the drought experienced by the range was impacted.

19 14. For the environmental assessment for the Blue Wing Complex gather, BLM refused
20 to solicit and consider evidence of the native status of wild horses, and the well-known harmful
21 impacts of removing native keystone species on habitats. Had BLM solicited and considered
22 evidence of the wild horses' native status, CANA Foundation would have offered such evidence.

23 15. In addition, the removal of these wild horses has drastically depleted CANA
24 Foundation's ability to use these horses' genetics to trace the genetic lineages of American wild
25 horses at large. CANA Foundation believes that the United States, as a nation, was built on the back
26 of a horse; to that end, an important aspect of American history is within the genetics of these
27 horses. Some of that American history has now been forever lost.

28 16. Lastly, CANA Foundation also supports the exploration and enjoyment of wild
horses through the arts and the use of the arts to advocate for the reintroduction and sustainment of

1 the American wild horse. For example, CANA Foundation and 11 [HH] Art Gallery collaborated to
2 bring about the exhibition “Harmonic Rewild” at SCOPE Miami Beach for the 2022 Art Basel
3 Week event. From November 29 through December 4, 2022, approximately 76,000 visitors
4 attended this immersive art experience. The intention of the art piece was to impart to the observers
5 the need for rewilding and the beauty of wild horses and wild spaces.

6 17. The gathering and removal of wild horses and burros in the Blue Wing Complex due
7 to the challenged actions have adversely affected the ability of CANA Foundation to use the arts to
8 advance its mission. Through the disappearance of thousands of wild horses and burros, CANA
9 Foundation’s ability to use the beauty, power, and emotional impact of wild horses in art to advance
10 CANA Foundation’s mission has been stunted.

11 18. As a result of BLM’s contested actions pertaining to gather operations in the Blue
12 Wing Complex, CANA Foundation was forced to divert resources towards bringing public
13 awareness to BLM’s mismanagement and missteps in the gather. Had CANA Foundation not been
14 forced to divert its staff’s attention and time to addressing the Blue Wing Complex gather, CANA
15 Foundation would have been able to use those resources in its educational, scientific, and
16 environmental activities, such as genetic research, support of wild horse academia, and the purchase
17 and creation of sustainable wild lands in which wild horses can safely thrive.

18 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the
19 United States of America that the foregoing is true and correct.

20
21 DATED: December 14, 2023,

/s/ Manda Kalimian

Manda Kalimian